

**IN THE UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No.1:12CR00024
	:	
ASHANTI RHAN HENRY	:	

**GOVERNMENT’S NOTICE TO DEFENDANT OF HIS FAILURE TO COMPLY WITH
TERMS OF PLEA AGREEMENT AND GOVERNMENT’S INTENT TO SEEK
AVAILABLE REMEDIES**

Comes now, the United States, by counsel, and notifies the defendant that he has failed to comply with the terms of his plea agreement entered into on May 18, 2013. On July 10, 2013, the defendant, by counsel, filed a Motion For Withdrawl of Guilty Plea. (Doc. No. 293.) Additionally, the defendant stated at his guilty plea hearing that he was not guilty of the crime charged, but that he was only pleading guilty to avoid a life sentence. Finally, the defendant has mailed numerous letters to the court since the date of his guilty plea in which he states he is not guilty of the crime to which he has pleaded guilty and asks the court to allow him to withdraw his guilty plea. (*See* Doc. No. 289, 290 & 292.)

Based upon the defendant’s repeated failure to accept responsibility and his filed Motion for Withdrawl of Guilty Plea, all of which are violations of the terms of the defendant plea agreement as outlined in Paragraph D(7) of the plea agreement, the United States notifies the defendant that he has breached his agreement with the government. Based upon this breach of the plea agreement, the government hereby notifies the defendant that it intends on pursuing the remedies outlined in Paragraph E of the plea agreement, which include but are not limited to:

refuse to recommend that the defendant receive credit for acceptance of responsibility, refuse to abide by guideline stipulations, refuse to dismiss pending charges, and refuse to dismiss prior felony drug convictions from the previously filed Sentencing Enhancement Information, **which may result in the defendant receiving a mandatory sentence of life imprisonment.**

Respectfully submitted,

TIMOTHY J. HEAPHY
United States Attorney

/s/ Zachary T. Lee
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CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2013, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel for the defendant.

/s/ Zachary T. Lee
Assistant United States Attorney